

## REMARKS

### A. Status of the Application

- Claims 26 to 50 are pending in the application, of which claims 26, 42 and 48 are independent claims.
- Claims 1 to 25 are cancelled.
- Claims 26 to 50 are new claims. No new matter has been added.

Accordingly, entry of the new claims is respectfully requested. Applicants intend to pursue the subject matter of the previously withdrawn and previously cancelled claims, in one or more continuing applications.

### B. Claim Rejection Under 35 U.S.C. § 102

The Office Action rejected claims 1 to 25 under 35 U.S.C. § 102 as allegedly anticipated by U.S. Patent No. 6,195,647 (“Martyn”).

The Examiner’s rejections are moot in view of Applicants’ claim amendments. Furthermore, the Office Action has not made a *prima facie* showing that any of Applicants’ claims are anticipated.

For example, the cited portions of Martyn do not describe: “*selecting a benchmark instrument... in which the selected benchmark instrument comprises a first type...*” and “*retrieving a plurality of non-benchmark instruments that are associated with the selected benchmark instrument, in which one of the plurality of non-benchmark instruments comprises a second type*” (emphasis added), as recited in independent claims 26, 42 and 48. Therefore, the Office Action has failed to state a *prima facie* case of anticipation for claims 26, 42 and 48.

C. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicant does not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor does Applicant concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

D. Conclusion

In general, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

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Respectfully submitted,

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